

104TH CONGRESS
1ST SESSION

S. 803

To amend the Defense Base Closure and Realignment Act of 1990 in order to revise the process for disposal of property located at installations closed under that Act pursuant to the 1995 base closure round.

IN THE SENATE OF THE UNITED STATES

MAY 15, 1995

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend the Defense Base Closure and Realignment Act of 1990 in order to revise the process for disposal of property located at installations closed under that Act pursuant to the 1995 base closure round.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Base Transition Accel-
5 eration Act of 1995”.

1 **SEC. 2. REVISION OF DISPOSAL PROCESS.**

2 Section 2905(b) of the Defense Base Closure and Re-
3 alignment Act of 1990 (part A of title XXIX of Public
4 Law 101–510; 10 U.S.C. 2687 note) is amended—

5 (1) by redesignating paragraph (8) as para-
6 graph (9); and

7 (2) by inserting after paragraph (7) the follow-
8 ing new paragraph (8):

9 “(8)(A) Except as provided in paragraphs (1) and (9)
10 and notwithstanding any other provision of law, the dis-
11 posal of buildings and property located at installations ap-
12 proved for closure under this part after January 1, 1995,
13 shall be governed by the provisions of this paragraph. No
14 individual, group, or other entity (other than a department
15 or agency of the Federal Government acting solely on be-
16 half of such department or agency) may seek the use, by
17 transfer or otherwise, of buildings and property at instal-
18 lations covered by this paragraph except through the rede-
19 velopment plans for such installations under this para-
20 graph.

21 “(B)(i) The Secretary shall take such actions as the
22 Secretary determines necessary to ensure that final deter-
23 minations regarding whether another department or agen-
24 cy of the Federal Government has identified a use for any
25 portion of an installation covered by this paragraph, or
26 will accept transfer of any portion of such an installation,

1 are completed not later than 60 days after the date of
2 approval of closure of the installation.

3 “(ii) Upon the completion of the determinations re-
4 ferred to in clause (i) with respect to an installation, the
5 Secretary shall publish the results of the determinations
6 in the Federal Register. In publishing such results, the
7 Secretary shall clearly identify the buildings and property
8 at the installation for which another department or agency
9 has identified a use or of which another department or
10 agency will accept transfer.

11 “(C)(i) Not later than 180 days after the date of
12 completion of determinations with respect to an installa-
13 tion under subparagraph (B), the redevelopment authority
14 for the installation shall prepare and submit to the Sec-
15 retary a redevelopment plan for the installation. The rede-
16 velopment plan shall address the buildings and property
17 of the installation that are not identified by the Secretary
18 under the second sentence of subparagraph (B)(ii).

19 “(ii)(I) Notwithstanding section 2910(9), the redevel-
20 opment authority for an installation covered by this para-
21 graph shall consist of any State and local governments and
22 tribal governments affected by the closure of the installa-
23 tion and any United States citizens, or groups of such citi-
24 zens, residing in a community in the vicinity of the instal-
25 lation, which governments and citizens are recognized by

1 the Secretary as the redevelopment authority for purposes
2 of this paragraph.

3 “(II) The chief executive officer of the State in which
4 an installation covered by this paragraph is located may
5 resolve any disputes among citizens or groups of citizens
6 as to the individuals and groups constituting the redevel-
7 opment authority for the installation.

8 “(D)(i) Not later than 60 days after the date of the
9 submittal of a redevelopment plan under subparagraph
10 (C), the Secretary shall—

11 “(I) review the plan for purposes of determin-
12 ing whether to accept or reject the plan; and

13 “(II) accept or reject the plan.

14 “(ii) The Secretary shall notify the redevelopment au-
15 thority concerned of the acceptance or rejection of a plan
16 by the Secretary under clause (i). If the Secretary rejects
17 the plan, the Secretary shall set forth in the notice the
18 reasons for rejecting the plan.

19 “(E) If the Secretary rejects a redevelopment plan
20 under subparagraph (D)(i)(II), the redevelopment author-
21 ity concerned may prepare and submit to the Secretary
22 a revised redevelopment plan for the installation con-
23 cerned. The redevelopment authority shall submit a re-
24 vised redevelopment plan under this subparagraph, if at
25 all, not later than 90 days after the date on which the

1 Secretary notifies the redevelopment authority of the re-
2 jection of the plan concerned by the Secretary under sub-
3 paragraph (D).

4 “(F)(i) Not later than 30 days after the date of the
5 submittal of a revised redevelopment plan under subpara-
6 graph (E), the Secretary shall—

7 “(I) review the plan for purposes of determin-
8 ing whether to accept or reject the plan; and

9 “(II) accept or reject the plan.

10 “(ii) The Secretary shall notify the redevelopment au-
11 thority concerned of the acceptance or rejection of a plan
12 by the Secretary under clause (i).

13 “(G)(i) The Secretary shall dispose of buildings and
14 property at an installation covered by this paragraph—

15 “(I) in the case of buildings or property for
16 which another Federal department or agency has
17 identified a use or of which another Federal depart-
18 ment or agency has requested transfer under sub-
19 paragraph (B), by transfer or other appropriate
20 means of disposal of such buildings or property to
21 the department or agency; and

22 “(II) in the case of buildings or property cov-
23 ered by the provisions of a redevelopment plan ap-
24 proved by the Secretary under this paragraph, in ac-

1 cordance with the provisions of the redevelopment
2 plan.

3 “(ii) The provisions of section 120(h) of the Com-
4 prehensive Environmental Response, Compensation, and
5 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to
6 any transfer of real property under this paragraph.

7 “(H) The Secretary may, in consultation with the re-
8 development authority concerned, postpone or extend any
9 deadline provided for under this paragraph in the case of
10 an installation covered by this paragraph for such period
11 as the Secretary determines appropriate if the Secretary
12 determines that such postponement is in the best interests
13 of the communities affected by the closure of the installa-
14 tion.”.

○